

## **REMARKS**

Claims 16, 19 and 21-23 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 3 and 5 - 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Frei et al. (U.S. Pat. No. 3,358,676). This rejection is respectfully traversed.

#### **Claims 16 and 19**

Claim 16 has been amended to include the features of claims 17 and 18, which claims depended from claim 16 and were the subject of the examiner's search. Amended claim 16 clarifies that the system includes four magnets arranged substantially in a vertical plane on the planar support, where the magnets apply a magnetic field to a patient's body sufficient for orienting a magnetically responsive element of a magnetic medical device.

The Final Office Action states on page 3 that coils are located at the corners of the planar support (Figure 11, elements 28a), and that the plane of the support may be either horizontal, as shown in Figure 11, or vertical, as shown in the plane made by the support structure of Figure 12. However, Frei only shows a single coil 41 in Figure 12. Figure 12 does not show a planar support, or four coils on the planar support arranged in a vertical plane. Rather, Figure 12 shows a single coil 41 that is merely vertical. Moreover, the single coil 41 works in conjunction with *separately mounted coils* 33, 35, 39 and 40 to *moveably propel* an element. This is not the same as four coils arranged in a vertical plane, which apply a magnetic field sufficient for orienting a magnetically responsive element of a medical device.

Furthermore, Figure 11 of Frei shows a patient interposed between *horizontal* plate structures 24, 25, each comprising a plurality of coils 26, 28a. (Col. 5, ll. 52-53). Accordingly, Frei teaches propelling an element within a patient using a system that requires the positioning of coils above or below a patient. Frei teaches the positioning of two plate structures/coil arrangements surrounding a patient as shown in Figure 11, or the use of a plurality of coils 33, 35, 39 40 and 41 surrounding a patient as shown in Figure 12. Both of these systems are more confining to patients than the system in claims 16 and 19. Thus, Frei does not anticipate a system for applying a magnetic field to a patient's body for orienting a magnetically responsive element to magnetically navigate a medical device in the patient's body, which includes four coils arranged substantially in a vertical plane on a planar support positioned at the head of a patient support bed. As such, the Applicant submits that claims 16 and 19 are distinguished from Frei, and are patentable for at least these reasons.

#### Claims 21-23

With regard to dependant claims 21-23, these claims depend from independent claim 19, which the Applicant believes to be allowable in view of the above remarks. As such, the Applicant submits that claims 21-23 are also allowable for at least these reasons.

#### REJECTION UNDER 35 U.S.C. § 103

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Frei et al. (U.S. Pat. No. 6,529,761) in view of Arensen et al. (U.S. Pat. No. 6,304,769).

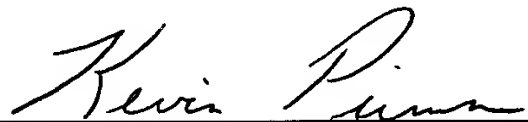
Claim 4 has been cancelled without prejudice.

## CONCLUSION

There is no express teaching in Frei of a planar support having four coils arranged in a *vertical plane* at the head of a patient bed, and applicant submits that there is no teaching or suggestion in Frei to use coils arranged in a *vertical plane* at the head of a patient bed given the Figures that show multiple coils either above and below, or substantially surrounding a patient. It is believed that all of the stated grounds of rejection have been properly traversed, and that the claims are in a condition for allowance. Applicant therefore respectfully requests that the Examiner allow the application, or at least enter the Amendment to simplify the issues for appeal and place the application in better form for appeal. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7500.

Respectfully submitted,

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By:   
Kevin Pumm, Reg. No. 49,046

HARNESS, DICKEY & PIERCE, P.L.C.  
7700 Bonhomme, Suite 400  
St. Louis, Missouri 63105  
(314) 726-7500

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